

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TROY R. SELDON and BELINDA	:	
MOORE,	:	
	:	CIVIL ACTION
Plaintiffs,	:	
	:	
v.	:	NO. 07-04480
	:	
HOME LOAN SERVICES, INC., D/B/A	:	
FIRST FRANKLIN LOAN SERVICES and	:	
FIRST FRANKLIN FINANCIAL CORP.,	:	
D/B/A FIRST FRANKLIN LOAN	:	
SERVICES,	:	
Defendants.	:	

Order

And now, this 4th day of August 2009, upon consideration of defendants' motion to dismiss (Doc. No. 65), plaintiffs' response thereto, and defendants' reply, **IT IS HEREBY ORDERED** that defendants' motion to dismiss plaintiffs' complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) is:

1. **GRANTED** as to all claims, except plaintiffs' claim
 - a. in Count I for rescission under the Truth in Lending Act on the basis of insufficient notices of the right to rescind;
 - b. in Count III for violations of the Fair Debt Credit Extension Uniformity Act;
 - c. in Count IV for a violation of the Unfair Trade Practices Consumer Protection Law arising out of violations of the FCEUA;
 - d. in Count IV for violations of the Unfair Trade Practices Consumer Protection Law to the extent they pertain to the alleged repayment plan;

- e. in Count V for common law fraud to the extent they pertain to the alleged repayment plan; and
- 2. To the extent the motion is granted, plaintiffs' claims are all **DISMISSED** with prejudice.

/s/ William H. Yohn Jr., Judge
William H. Yohn Jr., Judge